

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON AGRICULTURE,  
Washington, DC, September 25, 2006.

Hon. RICHARD POMBO,  
Chairman, House Committee on Resources,  
Washington, DC.

DEAR MR. CHAIRMAN: I understand your wish to expedite H.R. 5059 and H.R. 5062, which establish the Wild River Wilderness and the Sandwich Range Wilderness, respectively. The Committee on Agriculture received referrals for H.R. 5059 and H.R. 5062, both entitled the New Hampshire Wilderness Act of 2006.

Because of your wish to expedite this legislation and the history of cooperation between our Committees on these matters, I will agree to discharge H.R. 5059 and H.R. 5062 from further consideration by the Committee on Agriculture. The Committee on Agriculture will discharge the bill with the understanding that discharge does not waive any future jurisdictional claim over this issue or similar measures. Furthermore, in the event a conference with the Senate is requested on this matter, the Committee on Agriculture reserves the right to seek appointment of conferees.

Again, I am grateful for the cooperative spirit in which you have worked regarding this matter and others.

Sincerely,

BOB GOODLATTE,  
Chairman.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. Mr. Speaker, since this bill was introduced in March, there has been no action on it by the Resources Committee. It would appear then that the impetus for movement on the legislation is the fact that the Senate last week passed S. 2463, which includes in part the wilderness designation provided for by H.R. 5059.

The wilderness designation made by H.R. 5059 is clean and would result in the protection of 23,700 acres of national forest land. As such, we have no objection to the adoption of the legislation by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Speaker, I commend my colleagues from Guam and New Mexico for their support of this legislation.

This legislation was sponsored by my colleague Congressman BASS, who is unable to be here today. As the gentleman from New Mexico stated, it has broad support in New Hampshire. In fact, we are not aware of any opposition whatsoever. It has the support of a number of environmental groups as well as interested businesses that are in the forest products industry. It was a result of consensus among all of the interested parties in New Hampshire, and I urge its adoption.

Also, on a personal note, having hiked extensively in this area of the White Mountain National Forest, it is

a worthy candidate for wilderness designation. It is one of the most beautiful areas of our State, and I urge my colleagues to support this bill unanimously.

Ms. BORDALLO. Mr. Speaker I have no further requests for time, and I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 5059.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. BORDALLO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### NEW HAMPSHIRE WILDERNESS ACT OF 2006

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5062) to designate as wilderness certain National Forest System land in the State of New Hampshire.

The Clerk read as follows:

H.R. 5062

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "New Hampshire Wilderness Act of 2006".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) STATE.—The term "State" means the State of New Hampshire.

#### SEC. 3. DESIGNATION OF WILDERNESS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal land managed by the Forest Service, comprising approximately 10,800 acres, as depicted on the map entitled "Proposed Sandwich Range Wilderness Additions—White Mountain National Forest", dated February 6, 2006, is designated as wilderness and incorporated in the Sandwich Range Wilderness, as designated by the New Hampshire Wilderness Act of 1984 (Public Law 98-323; 98 Stat. 259).

#### SEC. 4. MAP AND DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the wilderness area designated by section 3 with the committees of appropriate jurisdiction in the Senate and the House of Representatives.

(b) FORCE AND EFFECT.—A map and legal description filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may

correct clerical and typographical errors in the map and legal description.

(c) PUBLIC AVAILABILITY.—The map and legal description filed under subsection (a) shall be filed and made available for public inspection in the Office of the Chief of the Forest Service.

#### SEC. 5. ADMINISTRATION.

(a) ADMINISTRATION.—Subject to valid existing rights, the wilderness area designated under this section shall be administered by the Secretary in accordance with—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to the wilderness area designated by this Act, any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(c) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act affects any jurisdiction or responsibility of the State with respect to wildlife and fish in the State.

(d) WITHDRAWAL.—Subject to valid existing rights, all Federal land in the wilderness area designated by section 3 are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under the mineral leasing laws (including geothermal leasing laws).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank Representative BRADLEY for introducing his legislation to designate, within his district, 10,800 acres of new wilderness in the White Mountain National Forest. The Sandwich Range Wilderness additions proposed in this bill were developed with the Forest Service through their forest planning process and with substantial input and involvement from the public and local interest groups. Since it has the strong support of New Hampshire's citizens, environmental groups, the forest products industry, elected officials, the Forest Service, and administration, it deserves our support as well.

I urge you to vote in favor of H.R. 5062.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. Mr. Speaker, like the bill we just considered, this measure also deals with the wilderness designation in New Hampshire and there has been no action on it by the Resources Committee. Legislation that the Senate passed last week, S. 2463, also includes the wilderness designation provided for by H.R. 5062.

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The wilderness designation made by H.R. 5059 is clean and would result in the protection of 10,800 acres of forest land. As such, we have no objection to the adoption of the legislation by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Speaker, once again I thank my colleagues from Guam and New Mexico for their support of this legislation. Like Congressman BASS's bill previously, my bill expands by nearly 11,000 acres the Sandwich Range Wilderness Area in the central part of the White Mountain National Forest.

The Forest Service in the State of New Hampshire, working once again with environmental groups, with businesses involved in the forest products industry, developed a comprehensive plan for the management of the White Mountain National Forest. Both of these wilderness proposals have seen fit to have garnered the support of everyone in New Hampshire that I am aware of.

The Forest Service plan had absolutely no appeals and is in the process of being implemented. The legislation that myself and Congressman BASS have separately proposed would implement the two wilderness proposals and, as I have repeatedly stated, has received no objections.

It is certainly my hope, and I appreciate the support of my colleague on the other side of the aisle, as well as my colleague from New Mexico, for this legislation, should go forward this afternoon. It will protect the New Hampshire environment. It will also serve the forest products industry in my State. And I would urge my colleagues in the strongest possible way to vote for both of these bills later on today, despite the call for a vote potentially by my colleague on the other side of the aisle.

Mr. VAN HOLLEN. Mr. Speaker, I rise to explain my votes in opposition to H.R. 5059 and H.R. 5861. While I agree with the substance of these bills, I strongly opposed the decision of the House Republican leadership to use these important bills as part of an effort to play politics with the environment. The Republicans had an opportunity to vote on the New England Wilderness Act (S. 2463), bipartisan legislation passed by the Senate last week that would designate wilderness areas in both New Hampshire and Vermont.

Instead they chose to separate the New Hampshire wilderness areas into two pieces of legislation and refused to include the Vermont wilderness in either bill. They apparently did this to hand a victory to the Republican representative from New Hampshire but deny Rep. SANDERS a legislative win on the eve of his upcoming Senate election in Vermont. Shame on them. By putting these bills on the Suspension Calendar, the Republican leadership ensured that wilderness bills in New Eng-

land will not be signed into law this year as it is virtually impossible to reconcile the differences between the House and Senate bills given the amount of time left in this legislative session.

The New England Wilderness Act enjoys the full backing of the two states' bicameral, tripartisan delegation. It is disappointing that in the final days of this Congress, Republicans are abusing their power and the American people are paying the price.

Ms. BORDALLO. Mr. Speaker, I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, I have no additional speakers, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 5062.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. BORDALLO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS OF 2006

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5861) to amend the National Historic Preservation Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5861

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Historic Preservation Act Amendments of 2006".

##### SEC. 2. HISTORIC PRESERVATION OFFICER RESPONSIBILITIES.

Section 101(b) of the National Historic Preservation Act (16 U.S.C. 470a(b)) is amended by adding at the end the following:

"(7) The State Historic Preservation Officer shall have no authority to require an applicant for Federal assistance, permit, or license to identify historic properties outside the undertaking's area of potential effects as determined by the Federal agency in accordance with the regulations implementing section 106.

"(8) If the State Historic Preservation Officer, Tribal representative, or Tribal Historic Preservation Officer fails to respond within 30 days after an adequately documented finding of 'no historic properties affected' or 'no adverse effect' as provided in the regulations implementing section 106, the Federal agency may assume that the State Historic Preservation Officer or Tribal Historic Preservation Officer has no objection to the finding."

##### SEC. 3. ADDITIONAL CRITERIA FOR CERTIFICATION OF LOCAL GOVERNMENTS TO CARRY OUT NATIONAL HISTORIC PRESERVATION ACT.

Section 101(c)(1) of the National Historic Preservation Act (16 U.S.C. 470a(c)(1)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by redesignating subparagraph (E) as subparagraph (F);

(3) by inserting after subparagraph (D) the following new subparagraph:

"(E) agrees that it shall not use any eligibility determination regarding the inclusion of any property or District on the National Register to initiate local regulatory requirements unless the entity provides full due process protection to the owner or owners of the property or District through a hearing process; and"; and

(4) in the matter below the subparagraphs, by striking "through (E)" and inserting "through (F)".

##### SEC. 4. HISTORIC PRESERVATION FUND.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended by striking "2005" and inserting "2015".

##### SEC. 5. ADVISORY COUNCIL ON HISTORIC PRESERVATION.

(a) MEMBERSHIP.—Section 201 of the national historic preservation act (16 U.S.C. 470i) is amended—

(1) in subsection (a)(4), by striking "four" and inserting "seven";

(2) in subsection (b), by striking "(5) and (6)" and inserting "paragraph (6)"; and

(3) in subsection (f), by striking "Nine" and inserting "Eleven".

(b) FINANCIAL AND ADMINISTRATIVE SERVICES.—Section 205(f) of such Act (16 U.S.C. 470m(f)) is amended to read as follows:

"(f) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior or, at the discretion of the Council, such other agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance or by reimbursement from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the head of the agency or, in the case of a private entity, the authorized representative of the private entity that will provide the services. When a Federal agency affords such services, the regulations of that agency for the collection of indebtedness of personnel resulting from erroneous payments, prescribed under section 5514(b) of title 5, United States Code, shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of that agency for the administrative control of funds under sections 1513(d) and 1514 of title 31, United States Code, shall apply to appropriations of the Council. The Council shall not be required to prescribe such regulations."

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 212(a) of the Act (16 U.S.C. 470t(a)) is amended by striking "for purposes of this title not to exceed \$4,000,000 for each fiscal year 1997 through 2005" and inserting "such amounts as may be necessary to carry out this title".

##### SEC. 6. EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS IN MEETING PURPOSES AND POLICIES OF THE NATIONAL HISTORIC PRESERVATION ACT.

The National Historic Preservation Act is amended by inserting after section 215 (16 U.S.C. 470v-1) the following new section: